

§ 280.11

the Facility shall be determined by the sampling plan provided by its Fastener Quality Assurance System or by standards and specifications intended for use with a Fastener Quality Assurance System, as appropriate. Or, a manufacturer operating a Registered Facility may elect to conduct inspections and tests upon all of the fasteners within a specified lot, provided that this election is documented in the control plan of its Fastener Quality Assurance System.

[63 FR 18274, Apr. 14, 1998]

§ 280.11 Significant alterations of fasteners.

(a) Any alteror who significantly alters a fastener so that it no longer conforms to the description in the relevant test report issued under section 5(c) of the Act or this part, and who thereafter offers for sale or sells such significantly altered fastener, shall:

(1) Assign a new lot number;

(2) Apply his or her registered insignia to the significantly altered fastener if the standards and specifications to which the fastener was originally manufactured required the fastener to bear a raised or depressed insignia identifying its manufacturer or private label distributor; and

(3) Be treated as a manufacturer for the purposes of the Act and this part, and shall cause the fastener to be inspected and tested as required by section 5 of the Act and by this part unless the significantly altered fastener is delivered to a purchaser accompanied by a written statement noting the original lot number and the new lot number assigned by the alteror, disclosing the subsequent alteration, and warning that such alteration may affect the dimensional or physical characteristics of the fastener.

(b) If the significant alteration is only electroplating of fasteners having a minimum specified Rockwell C hardness of 32 or above, the requirements set forth in paragraphs (a)(2) and (a)(3) of this section shall not apply, but the alterer shall assign a new lot number as set forth in paragraph (a)(1) of this section and shall test the electroplated fasteners as required by the plating standards and specifications.

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(c) Any person who knowingly sells a significantly altered fastener as described in paragraph (a) of this section, and who did not alter such fastener, shall provide to the purchaser a copy of the statement required by paragraph (a)(3) of this section; unless the significant alteration is only electroplating of the fastener, as described in paragraph (b) of this section.

(d) If the alteration is not a significant alteration, the requirements set forth in paragraph (a) of this section shall not apply, and the only testing requirements which apply are those required by the standards and specifications to which the alteration is performed. If the alteration involves cutting of threaded studs, rods, or bars into studs, these cut fasteners must be marked with the grade or property class identification marking appearing on the original threaded studs, rods, and bars.

[61 FR 50558, Sept. 26, 1996, as amended at 63 FR 18274, Apr. 14, 1998]

§ 280.12 Applicability.

(a) The requirements of the Fastener Quality Act and this part shall be applicable only to fasteners manufactured on or after June 1, 1999.

(b) Metal manufactured prior to June 1, 1999, may not be used to manufacture fasteners subject to the Act and this part unless the metal has been tested for chemistry pursuant to § 280.15 of this part by a laboratory accredited under the Act and this part and the chemical characteristics of the metal conform to those required by the standards and specifications.

(c) Nothing in the Act and this part prohibits selling finished fasteners manufactured prior to June 1, 1999, or representing that such fasteners meet standards and specifications of a consensus standards organization or a government agency.

[63 FR 51526, Sept. 28, 1998]

§ 280.13 Imports of fasteners.

(a) Except as provided in paragraph (b) of this section, it shall be unlawful for any person to sell to an importer, and for any importer to purchase any shipment of fasteners or fastener sets manufactured outside the United